

LIPSON, NEILSON, COLE, SELTZER, GARIN, P.C.
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
H. SUNNY JEONG, ESQ.
Nevada Bar No. 12981
9900 Covington Cross Dr. Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 - Phone
(702) 382-1512 - Fax
jgarin@lipsonneilson.com
sjeong@lipsonneilson.com

Attorneys for Respondent Audra Collins

FILED

JUN 09 2015

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

AUDRA COLLINS,

Respondent,

v.

JOSEPH (J.D.) DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA

Petitioner.

CASE NO.: 2014-4473

Willow Trace HOA

RESPONSE TO COMPLAINT AND
DISCIPLINARY ACTION

Date of Hearing: June 18, 2015
Time of Hearing: 9:00 a.m.

COMES NOW, RESPONDENT, Audra Collins, by and through her attorneys of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby responds to the Petitioner's Complaint as follows:

GENERAL ALLEGATIONS

1. Answering paragraph 1 of the Complaint, Ms. Collins admits she is a licensed community manager and subject to the jurisdiction of the Division and the provisions of NRS Chapters 116 and 116A and NAC Chapters 116 and 116A.

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RESPONSES TO FACTS ALLEGED BY THE DIVISION

2. Admitted.

3. Admitted.

4. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

5. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

6. Ms. Collins admits receiving a letter dated June 7, 2013 and further states that she cooperated with the Division and complied with requests from the Division in good faith. In further answer, Ms. Collins states responses to the Division's requests were made in good faith, based on information believed to be correct at the time responses were submitted. Ms. Collins lacks information sufficient to form a belief as to the truth of the allegation that the Division sent a sworn affidavit as to the alleged violations, and therefore, denies same in the manner and form alleged.

7. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

8. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

9. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

10. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

11. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

12. Ms. Collins lacks information sufficient to form a belief as to the truth of these allegations, and therefore, denies same in the manner and form alleged.

13. Ms. Collins lacks information sufficient to form a belief as to the truth of

1 these allegations, and therefore, denies same in the manner and form alleged.

2 14. Ms. Collins lacks information sufficient to form a belief as to the truth of
3 these allegations, and therefore, denies same in the manner and form alleged.

4 15. Ms. Collins affirmatively avers that the allegations set forth therein are a
5 legal determination to be made by the Commission. Further, Ms. Collins lacks
6 information sufficient to form a belief as to the truth of these allegations, and therefore,
7 denies same in the manner and form alleged.

8 16. Ms. Collins lacks information sufficient to form a belief as to the truth of
9 these allegations, and therefore, denies same in the manner and form alleged.

10 17. Ms. Collins lacks information sufficient to form a belief as to the truth of
11 these allegations, and therefore, denies same in the manner and form alleged.

12 18. Ms. Collins lacks information sufficient to form a belief as to the truth of
13 these allegations, and therefore, denies same in the manner and form alleged.

14 19. Admit to the extent that Ms. Collins was not the assigned manager for the
15 association and she had no reason to know of the alleged forgery. As to the remaining
16 allegations therein, Ms. Collins affirmatively avers that the allegations set forth therein
17 are a legal determination to be made by the Commission. In further answer, Ms. Collins
18 lacks information sufficient to form a belief as to the truth of these allegations, and
19 therefore, denies same in the manner and form alleged.

20 20. Ms. Collins lacks information sufficient to form a belief as to the truth of
21 these allegations, and therefore, denies same in the manner and form alleged.

22 21. Ms. Collins lacks information sufficient to form a belief as to the truth of
23 these allegations, and therefore, denies same in the manner and form alleged.

24 22. Ms. Collins affirmatively avers that the allegations set forth therein are a
25 legal determination to be made by the Commission. Further, Ms. Collins lacks
26 information sufficient to form a belief as to the truth of these allegations, and therefore,
27 denies same in the manner and form alleged.
28

1 23. Ms. Collins lacks information sufficient to form a belief as to the truth of
2 these allegations, and therefore, denies same in the manner and form alleged.

3 24. Ms. Collins admits that based on a meeting she and Ms. White had with
4 Division representatives, Sharon Jackson and a compliance investigator, they could
5 perform under their management contract, but they needed to try to get a board in
6 place. Ms. Collins lacks information sufficient to form a belief as to the truth of the
7 remaining allegations, and therefore, denies same in the manner and form alleged.

8 25. Ms. Collins lacks information sufficient to form a belief as to the truth of
9 these allegations, and therefore, denies same in the manner and form alleged.

10 26. Ms. Collins affirmatively avers that the allegations set forth therein are a
11 legal determination to be made by the Commission. Further, Ms. Collins lacks
12 information sufficient to form a belief as to the truth of these allegations, and therefore,
13 denies same in the manner and form alleged.

14 27. Ms. Collins lacks information sufficient to form a belief as to the truth of
15 these allegations, and therefore, denies same in the manner and form alleged.

16 28. Ms. Collins lacks information sufficient to form a belief as to the truth of
17 these allegations, and therefore, denies same in the manner and form alleged.

18 29. Ms. Collins lacks information sufficient to form a belief as to the truth of
19 these allegations, and therefore, denies same in the manner and form alleged.

20 **RESPONSES TO ALLEGED VIOLATION OF LAW**

21 30. Ms. Collins affirmatively avers that the allegations set forth therein are a
22 legal determination to be made by the Commission. Further, Ms. Collins lacks
23 information sufficient to form a belief as to the truth of these allegations, and therefore,
24 denies same in the manner and form alleged.

25 31. Ms. Collins affirmatively avers that the allegations set forth therein are a
26 legal determination to be made by the Commission. Further, Ms. Collins lacks
27 information sufficient to form a belief as to the truth of these allegations, and therefore,
28

1 denies same in the manner and form alleged.

2 32. Ms. Collins affirmatively avers that the allegations set forth therein are a
3 legal determination to be made by the Commission. Further, Ms. Collins lacks
4 information sufficient to form a belief as to the truth of these allegations, and therefore,
5 denies same in the manner and form alleged.

6 33. Ms. Collins affirmatively avers that the allegations set forth therein are a
7 legal determination to be made by the Commission. Further, Ms. Collins lacks
8 information sufficient to form a belief as to the truth of these allegations, and therefore,
9 denies same in the manner and form alleged.

10 34. Ms. Collins affirmatively avers that the allegations set forth therein are a
11 legal determination to be made by the Commission. Further, Ms. Collins lacks
12 information sufficient to form a belief as to the truth of these allegations, and therefore,
13 denies same in the manner and form alleged.

14 35. Ms. Collins affirmatively avers that the allegations set forth therein are a
15 legal determination to be made by the Commission. Further, Ms. Collins lacks
16 information sufficient to form a belief as to the truth of these allegations, and therefore,
17 denies same in the manner and form alleged.

18 36. Ms. Collins affirmatively avers that the allegations set forth therein are a
19 legal determination to be made by the Commission. Further, Ms. Collins lacks
20 information sufficient to form a belief as to the truth of these allegations, and therefore,
21 denies same in the manner and form alleged.

22 37. Ms. Collins affirmatively avers that the allegations set forth therein are a
23 legal determination to be made by the Commission. Further, Ms. Collins lacks
24 information sufficient to form a belief as to the truth of these allegations, and therefore,
25 denies same in the manner and form alleged.

26 38. Ms. Collins affirmatively avers that the allegations set forth therein are a
27 legal determination to be made by the Commission. Further, Ms. Collins lacks
28

1 information sufficient to form a belief as to the truth of these allegations, and therefore,
2 denies same in the manner and form alleged.

3 39. Ms. Collins affirmatively avers that the allegations set forth therein are a
4 legal determination to be made by the Commission. Further, Ms. Collins lacks
5 information sufficient to form a belief as to the truth of these allegations, and therefore,
6 denies same in the manner and form alleged.

7 40. Ms. Collins affirmatively avers that the allegations set forth therein are a
8 legal determination to be made by the Commission. Further, Ms. Collins lacks
9 information sufficient to form a belief as to the truth of these allegations, and therefore,
10 denies same in the manner and form alleged.

11 41. Ms. Collins affirmatively avers that the allegations set forth therein are a
12 legal determination to be made by the Commission. Further, Ms. Collins lacks
13 information sufficient to form a belief as to the truth of these allegations, and therefore,
14 denies same in the manner and form alleged.

15 42. Ms. Collins affirmatively avers that the allegations set forth therein are a
16 legal determination to be made by the Commission. Further, Ms. Collins lacks
17 information sufficient to form a belief as to the truth of these allegations, and therefore,
18 denies same in the manner and form alleged.

19 43. Ms. Collins affirmatively avers that the allegations set forth therein are a
20 legal determination to be made by the Commission. Further, Ms. Collins lacks
21 information sufficient to form a belief as to the truth of these allegations, and therefore,
22 denies same in the manner and form alleged.

23 44. Ms. Collins affirmatively avers that the allegations set forth therein are a
24 legal determination to be made by the Commission. Further, Ms. Collins lacks
25 information sufficient to form a belief as to the truth of these allegations, and therefore,
26 denies same in the manner and form alleged.

27 45. Ms. Collins affirmatively avers that the allegations set forth therein are a
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1 legal determination to be made by the Commission. Further, Ms. Collins lacks
2 information sufficient to form a belief as to the truth of these allegations, and therefore,
3 denies same in the manner and form alleged.

4 46. Ms. Collins affirmatively avers that the allegations set forth therein are a
5 legal determination to be made by the Commission. Further, Ms. Collins lacks
6 information sufficient to form a belief as to the truth of these allegations, and therefore,
7 denies same in the manner and form alleged.

8 47. Ms. Collins affirmatively avers that the allegations set forth therein are a
9 legal determination to be made by the Commission. Further, Ms. Collins lacks
10 information sufficient to form a belief as to the truth of these allegations, and therefore,
11 denies same in the manner and form alleged.

12 48. Ms. Collins affirmatively avers that the allegations set forth therein are a
13 legal determination to be made by the Commission. Further, Ms. Collins lacks
14 information sufficient to form a belief as to the truth of these allegations, and therefore,
15 denies same in the manner and form alleged.

16 49. Ms. Collins affirmatively avers that the allegations set forth therein are a
17 legal determination to be made by the Commission. Further, Ms. Collins lacks
18 information sufficient to form a belief as to the truth of these allegations, and therefore,
19 denies same in the manner and form alleged.

20 50. Ms. Collins affirmatively avers that the allegations set forth therein are a
21 legal determination to be made by the Commission. Further, Ms. Collins lacks
22 information sufficient to form a belief as to the truth of these allegations, and therefore,
23 denies same in the manner and form alleged.

24 51. Ms. Collins affirmatively avers that the allegations set forth therein are a
25 legal determination to be made by the Commission. Further, Ms. Collins lacks
26 information sufficient to form a belief as to the truth of these allegations, and therefore,
27 denies same in the manner and form alleged.
28

Lipson, Neilson, Cole, Seltzer & Garin, P.C.
9900 Covington Cross Dr. Suite 120
Las Vegas, Nevada 89144
(702) 382-1500 FAX: (702) 382-1512

DEFENSES

COMES NOW, the Respondent, Audra Collins, by and through her attorneys of record, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C., hereby gives notice of the following defenses:

1. The Complaint and evidence served with the Complaint does not by a preponderance of the evidence demonstrate that each of the sections identified in the complaint (paragraphs 30-51) have been violated.

2. Ms. Collins had no intention to violate the law. In fact, she made effort to comply and keep the Division advised of the status of Willow Trace and other HOAs. Ms. Collins had several meetings at NRED where concerns and issues were discussed with investigators and representatives of NRED. Ms. Collins at all times acted, or attempted to act, in conformity with verbal instructions from the Division.

3. The Division should be estopped from seeking enforcement of the sections identified in the complaint (paragraphs 30-51).

4. Ms. Collins substantially complied with statutes and administrative code provisions at issue.

5. Ms. Collins made good faith attempts to comply with statutes and administrative code provisions at issue.

6. Ms. Collins' actions are excused by necessity and were at all times for the benefit of the HOA.

7. Ms. Collins' responses to the Division's requests were made in good faith, based on information believed to be correct at the time responses were submitted.

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PRAYER FOR RELIEF

Ms. Collins respectfully requests that this matter be dismissed without discipline or that the Commission take action consistent with the authority permitted by Nevada law.

DATED this 8th day of June, 2015.

Respectfully submitted,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.



By: _____

JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
H. SUNNY JEONG, ESQ.
Nevada Bar No. 12981
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144
(702) 382-1500

Attorneys for Respondent Audra Collins

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2015, service of the foregoing
RESPONSE TO COMPLAINT FOR DISCIPLINARY ACTION was made via electronic
mail and hand-delivery to:

Common-Interest Communities and
Condominium Hotel
2501 E. Sahara Ave. Ste. 202
Las Vegas, NV 89104
Legal Administrative Officer

Michelle D. Briggs, Esq.
Senior Deputy Attorney General
2501 E. Sahara Avenue, Suite 201
Las Vegas, NV 89104
mbriggs@red.state.nv.us
(702) 486-7041
Attorney for Real Estate Division

/s/ Darnell Lynch

An employee of
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.